IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 23721 of 2004

Between:

G. Kotaiah, S/o. Venkateswarlu, Bill Collector (NMR),
Gram Panchayat Kodad, Nalgonda District (Under Orders of Transfer to Gram Panchayat Nereducherla, Nalgonda Dist)

..... PETITIONER

AND

1 The District Panchayat Officer, Nalgonga.
2 The Panchayat Secrtary, Kodad Gram Panchayat, Nalgodna

District.
3 The Panchayat Secretary, Nereducherla, Nalgonda District. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more in the nature of Certiorari calling for the records relating to the order of the A.P. Administrative Tribunal in O.A. No. 5651 of 2004 dated 14-10-2004 and the Proc. No. 529/04-B1(Pts), dt 21-6-2004 and the proc. No. 529/04-B1(PTs), dated 2-9-2004 issued by the District Panchayat Officer, Nalgonda and set-a side the same and hold that the petitioner is entitled to continue as NMR Bill collector, in Gram Panchayat, Kodad with all consequential benefits.

Counsel for the Petitioner: MR.D.BALA KISHAN RAO

Counsel for the Respondents: GP FOR SERVICES-II.

The Court at the admission stage made the following:

ORAL ORDER:- (PER GB,J.)

This Writ Petition is filed assailing the order, dated 14.10.2004 passed by the A.P. Administrative Tribunal in O.A.No.5651 of 2004.

2. The petitioner was transferred on the directions of the District Panchayat Officer, Nalgonda, who is first respondent herein, from Kodad Gram Panchayat to Nereducherla Gram Panchayat vide proceedings No.529/04-B1 (Pts), dated 21.6.2004. The said order came to be challenged by the petitioner in the O.A.

3. The Tribunal dismissed the O.A. by observing as follows:

> "This Tribunal perused the material on record. As the District Panchayat Officer, who is the competent authority, has passed the orders, it is the duty of the Sarpanch to honour the orders and admit the applicant. Instead of doing so, he has chosen to seek cancellation of transfer orders and continue the applicant at Kodad Grampanchayat of Nalgonda District. However, the District Panchayat Officer has directed the Sarapanch, by his orders dated 2.9.2004 to admit the applicant to duty. As the transfer ordered by the District Panchayat Officer is purely on administrative grounds it does not warrant any interference by the Tribunal.
>
> Accordingly, the O.A. is held as devoid of merits and it is dismissed."

4. Learned counsel for the petitioner submits that the Kodad and the Nereducherdla

are separate units. He also submits that when the regularization of service takes place, petitioner will lose the regularization of his service and he further submits that Nereducherla is 150 kms away from Kodad and it will cause innumerable hardship to the petitioner.

5. We are afraid we cannot accept the contentions of the learned counsel for the petitioner.

6. In fact, it is the District Panchayat Officer to shift the persons from one place to other place depending on the requirement. The learned counsel for the petitioner further submits that it is contrary to the directions of the Government.

7. Under those circumstances, we leave it open to the petitioner to make appropriate representation to the Government, which can be filed by him within a period of four weeks, and the same shall be considered in accordance with law.

8. Subject to the above observation, the Writ Petition is dismissed. No costs.

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G. BIKSHAPATHY, J.

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P.S. NARAYANA, J.

Date: 30.12.2004

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To

1 The Registrar, A.P. Administrative Tribunal, Hyderabad.

2 The District Panchayat Officer, Nalgonga.
3 The Panchayat Secrtary, Kodad Gram Panchayat, Nalgodna District.
4 The Panchayat Secretary, Nereducherla, Nalgonda District.

5 2 CCs to the G.P. for Services-II, High Court Buildings, Hyderabad. (OUT)

6 2CD copies.